

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

JOHNNY THOMAS ORTIZ II, *et al.*,

Plaintiffs,

v.

NORTH CAROLINA STATE BOARD OF  
ELECTIONS, *et al.*,

Defendants.

Civil Action No.: 5:24-cv-420

**PLAINTIFFS' EMERGENCY MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiffs, Johnny Ortiz II, Jimmie Rogers, Jr., and Weldon Murphy (collectively, "Plaintiffs") respectfully move the Court on an emergency basis to enter a preliminary injunction that directs Defendants North Carolina State Board of Elections, Alan Hirsch, Jeff Carmon III, Stacy Eggers IV, Kevin N. Lewis, Siobhan O'Duffy Millen, and Karen Brinson Bell (collectively, "Defendants") to certify the petitions filed by Justice For All ("JFA") as sufficient to qualify JFA as a new political party in North Carolina's November 5, 2024 general election under N.C. GEN. STAT. § 163-96(a)(2). Plaintiffs further request that the Court enjoin Defendants from enforcing N.C. GEN. STAT. § 163-98 against JFA, insofar as that provision requires a new party to certify its candidates and the candidates to file a notice of candidacy and application to change party affiliation, or take any other action, on or before July 1, 2024. Finally, Plaintiffs request that the Court direct Defendants to take any and all action necessary to ensure the inclusion of JFA's duly nominated candidates on North Carolina's

November 5, 2024 general election ballot. Given the impending election, Plaintiffs, ask that the Court issue a decision as soon as possible, but no later than August 19, 2024.<sup>1</sup>

In support of this Motion, Plaintiffs respectfully submit the accompanying Memorandum of Law, as well as the following:

- Declaration of Johnny Ortiz II, attached hereto as **Exhibit 1**
- Declaration of Jimmie Rogers, Jr., attached hereto as **Exhibit 2**
- Declaration of Weldon Murphy, attached hereto as **Exhibit 3**.

Respectfully submitted this the 22nd day of July, 2024.

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

/s/ Phillip J. Strach  
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<sup>1</sup> Plaintiffs calculated this date to allow for ballots to be printed ahead of the September 6, 2024 deadline by which absentee ballots must be available for voting. N.C. Gen. Stat. § 163-227.10. This date is subject to change depending on additional printing information from the NCSBE, and when the Democratic Party selects their candidates for President and Vice President.

## **CERTIFICATE OF SERVICE**

I, Phillip J. Strach, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using the CM/ECF system and have served the NCSBE Defendants via mail and email.

This the 22nd day of July, 2024.

**NELSON MULLINS RILEY &  
SCARBOROUGH LLP**

/s/ Phillip J. Strach

Phillip J. Strach  
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